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12 **UNITED STATES BANKRUPTCY COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN JOSE DIVISION**

15 In re

16 EVANDER FRANK KANE,

17 Debtor.

Case No. 21-50028-SLJ
Chapter 7

**DEBTOR'S RESPONSE TO
OBJECTION TO HOMESTEAD
EXEMPTION FILED BY ZIONS
BANCORPORATION, N.A.¹**

Hearing:

Date: May 4, 2021

Time: 2:00 p.m. Pacific Time

Place: Via Zoom videoconference

*Please check www.canb.uscourts.gov for
information regarding the Court's operations
due to the COVID-19 pandemic.*

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27 ¹ Unless specified otherwise, all chapter and code references are to the Bankruptcy Code,
28 11 U.S.C. §§ 101–1532. “Bankruptcy Rule” references are to the Federal Rules of Bankruptcy
Procedure and “B.L.R.” references are to the Bankruptcy Local Rules for the Northern District of
California. “ECF” references are to the docket in this proceeding.
RESPONSE TO HOMESTEAD OBJECTION

1 Evander F. Kane (“Kane”), the debtor in this bankruptcy case, provides the following
2 limited response to the Objection to Homestead Exemption (the “Objection”) filed by Zions
3 Bancorporation N.A. (“Zions”) to Mr. Kane’s asserted homestead exemption. A more
4 substantive response to the Zions’ objection may be filed, if required, at a later date.

5 Zions filed the Objection (ECF 74) on March 25, 2021 and set the matter for hearing on
6 May 4, 2021 (ECF 75). The Objection included a Certificate of Service (ECF 74-2), indicating
7 that the Objection and related documents were served on: Debtor’s counsel, the Chapter 7
8 Trustee and his counsel, the United States Trustee and counsel for creditor Lone Shark.

9 Bankruptcy Rule 4003(b)(4) requires a party objecting to a claim of exemption to deliver
10 or mail a copy of the objection to the several parties, including the Debtor. Zions did not serve
11 Mr. Kane with the Objection. As such, the objection should be overruled.²

12 Dated April 27, 2021

13 FINESTONE HAYES LLP

14 /s/ Stephen D. Finestone

15 Stephen D. Finestone
16 Attorneys for Debtor,
17 Evander Frank Kane
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25 ² Professional Bank filed its own objection to Mr. Kane’s homestead exemption (ECF 79)
26 and joined in Zions’ Objection (ECF 85). Professional Bank did not serve its objection on the
27 Mr. Kane either and it is therefore similarly infirm. Professional Bank also filed a pleading
28 styled as an Objection by Professional Bank to Debtor’s Purported Claimed Exemption for
Money Owed to Debtor by San Jose Sharks (ECF 80). This objection was not served on Mr.
Kane either, but as he has not asserted an exemption in his future wages, he does not intend to
respond to this second objection filed by Professional Bank.